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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.53250 of 2025
Date of decision: 22.12.2025

Karan

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Sukhpreet Kaur, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.0148, dated 21.09.2024, under Sections 21 & 29 of NDPS Act, registered at Police Station Special Task Force, District STF Wing, District SAS Nagar, Mohali.
2. Succinctly, the facts of the case are that the police party, while on patrolling on 20.09.2024, saw two clean shaved persons coming on a motorcycle. A polythene bag was hanging on the right handle of the motorcycle. On seeing the police, they got perplexed and tried to turn the motorcycle towards Ambala City. On suspicion, they were apprehended and on asking, they disclosed their names to be Shivam and Karan (petitioner). They were suspected to be carrying some contraband in the polythene bag being carried by them and thus, search of the same was



conducted. On conducting the search, 498 grams of heroin was recovered from the same. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Patiala praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Patiala, declined the bail application filed by the petitioner vide order dated 03.03.2025. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-18927-2025 praying for the grant of bail, however the same was dismissed as not pressed vide order dated 21.04.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Shivam. He has drawn the attention of this Court to the order dated 10.11.2025, passed in **CRM-M-57909-2025**, whereby, co-accused, namely, Shivam has been granted regular bail by this Court. He has submitted that the petitioner is behind bars since 21.09.2024. He has submitted that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Shivam. He has



further submitted that the petitioner was arrested on the spot along with the contraband. He has submitted that the alleged recovery of 498 grams of heroin falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 21.09.2024. Co-accused, namely, Shivam is on bail and the case of the petitioner as stated is at par with him. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 02 months and 27 days as on 21.12.2025. It further reflects that the petitioner is not involved in any other case. The alleged recovery of 498 grams of heroin in the present case falls under the category of commercial quantity.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in



punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20. xxxxx

21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxx

23. *There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.”*

8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

9. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court

is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity.

10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.12.2025
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Whether speaking/reasoned

Whether reportable

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(RAJESH BHARDWAJ)

JUDGE

Yes/No

Yes/No